



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TJR

Docket No: 5323-99

15 February 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 1 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 7 August 1972 at the age of 19. Your record reflects that on 15 March 1980 you received nonjudicial punishment (NJP) for disrespect and failure to obey a lawful order. The punishment imposed was forfeitures totalling \$60 and restriction for 14 days. On 6 April 1973 you received NJP for disrespect and failure to obey a lawful order. The punishment imposed was correctional custody for 30 days, which was suspended for three months, and forfeitures totalling \$100. On 24 October 1973 you received your third NJP for disobedience and two incidents of failure to obey a lawful order.

The punishment imposed was forfeitures totalling \$79 and restriction for 14 days. Approximately two months later, on 14 December 1973, you received NJP for using provoking speech and/or gestures and were awarded forfeitures totalling \$70.

Your record further reflects that on 19 April 1974 you received your fifth NJP for disrespect and disobedience. The punishment was forfeitures totalling \$75 and restriction for 14 days, all of which was suspended for three months

On 6 August 1974 you were released from active duty and transferred under honorable conditions to the Marine Corps Reserve. Subsequently, upon completion of your required service, you were issued a general discharge.

Character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. At the time of discharge your conduct average was 3.9. However, an average of 4.0 was required for a fully honorable discharge.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded so that you may obtain better employment. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given your frequent misconduct within a one year period, and since your conduct average was insufficiently high to warrant an honorable discharge. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director